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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,468	08/20/2003	Michael D. Kobrehel	DUR-105	8508

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EXAMINER	
A, PHI DIEU TRAN	

ART UNIT	PAPER NUMBER
3633	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,468	KOBREHEL ET AL.	
	Examiner	Art Unit	
	PHI D. A	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/31/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 15-17* is/are pending in the application.

4a) Of the above claim(s) *4-6 and 9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7-8,10-12,15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caplette (6012257) in view of Cross et al (2258973).

Caplette (figure 2) shows a plastic glazing panel (col 5 line 55) comprising a generally rectangular glazing panel of transparent plastic (col 3 line 42) having top, bottom and side edges, a retainer frame (14), a seal assembling (26, 27) secured to the retainer frame and including sections of a perimeter channel forming a corresponding generally rectangular glazing opening for receiving the edges of the panels, wherein sections of the channel each have a lip (31, figure 3) that together defining an opening of smaller size than said glazing opening and said panel, so as to retain the panel in the perimeter channel, wherein the retainer frame(14), said sections, and said glazing panels are sized and shaped and said glazing panel is sufficiently thin and flexible so that said glazing panel is able to be easily bowed so as to allow opposite edges of the glazing panel to be drawn together sufficiently to be able to be passed by the lips of opposite sections of the perimeter channel and allow another edge of the glazing panel to be received in a receiving channel section extending along the glazing opening while the seal assembly is secured to the retainer frame, the perimeter channel and said lip are each located entirely outside the retainer frame (14).

Caplette does not show the receiving channel section being deeper than an opposite channel section.

Cross et al shows a receiving channel section (figure 9 the channel where part 8 is) being deeper than an opposite channel section to enable the easy and secured mounting of the glazing panel in the channels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Caplette's structure to show the receiving channel section being deeper than an opposite channel section because it would allow for the easy and secured mounting of the glazing panel in the channels as taught by Cross et al.

3. Claims 1-3, 7-8, 10-12, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5131194) in view of Bargados et al and Cross et al (2258973).

Anderson (figure 2) shows a plastic glazing panel (11 or 12) comprising a generally rectangular glazing panel of transparent plastic having top, bottom and side edges, a retainer frame (120), a seal assembling (13, 31) secured to the retainer frame and including sections of a perimeter channel forming a corresponding generally rectangular glazing opening for receiving the edges of the panels, wherein sections of the channel each have a lip (figure 2, parts that extend beyond the frame 120)) that together defining an opening of smaller size than said glazing opening and said panel, so as to retain the panel in the perimeter channel, wherein the retainer frame(120), said sections, and said glazing panels are sized and shaped and said glazing panel is sufficiently thin and flexible so that said glazing panel is able to be easily bowed so as to allow opposite edges of the glazing panel to be drawn together sufficiently to be able to be passed by the lips of opposite sections of the perimeter channel and allow another edge of the glazing panel

to be received in a receiving channel section extending along the glazing opening while the seal assembly is secured to the retainer frame, wherein the receiving channel section having a resiliently compressible element (81') disposed therein allowing sufficient movement upon pushing of another edge of the glazing panel thereagainst so that the glazing panel edge opposite the another glazing panel edge clears the lip of the opposite channel section allowing removal of the glazing panel, but thereafter upon release causes the glazing panel to be repositioned to locate the another edge of the panel at an intermediate depth in the receiving channel section, the element being a bow leaf spring disposed in the bottom of the receiving channel, the receiving channel section is at the bottom of the glazing opening, and further including a positioner element (81') selectively manipulatable to allow lowering of the glazing panel and thereafter hold the glazing panel another edge at an intermediate position in the channel section so that the opposite edge of the panel does not clear the lip of the channel section opposite the receiving channel section, the positioner element comprising a compressible element able to be compressed by pushing the panel another edge thereagainst, and thereafter the glazing panel is released moving the opposite edge of the glazing panel into the one channel section opposite the receiving channel section, a primary glazing panel (12) installed in the frame adjacent the glazing panel and aligned therewith but spaced to one side, the glazing panel being thinner and made of plastic to comprise a sacrificial glazing panel (inherently can be sacrificial panel), the glazing panel is sufficiently thin and flexible to enable insertion and removal of the glazing panel into and out of the channel sections without deforming the retainer frame (col 2 lines 1-4 discloses the pane being flexible; as the panes are flexible, they certainly can function as claimed when installed), the lip forming said opposite channel section being angled so that said opposite

channel section is wider at the lip opening than at the glazing opening (the glazing opening is narrowed by the parts 72-77).

Anderson does not shows the receiving channel section being deeper than an opposite channel section, the lip together does not define an opening smaller than that of the glazing opening and the panel, the perimeter channel and the lip are each located entirely outside the retainer frame.

Bargados et al (figures 2-3) shows the lip that defines an opening for a glazing panel being smaller than that of the glazing opening and the panel (figure 3, see part 64), the perimeter channel and the lip are each located entirely outside the retainer frame (14).

Cross et al shows a receiving channel section (figure 9, the channel where part 8 is) being deeper than an opposite channel section to enable the easy and secured mounting of the glazing panel in the channels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's structure to show the receiving channel section being deeper than an opposite channel section because it would allow for the easy and secured mounting of the glazing panel in the channels as taught by Cross et al, and having the lip together defining an opening smaller than that of the glazing opening and the panel, the perimeter channel and the lip are each located entirely outside the retainer frame as taught by Bargados et al since it would enable the quick assembly and strong sealing attachment of the glazing to the retainer frame.

Anderson as modified shows the receiving channel section being deeper than an opposite channel section so that upon insertion of said another edge of the glazing panel and movement

towards the bottom of the receiving channel section, edge of the glazing panel opposite said another edge clears said lip of said opposite channel section which is shallower than said receiving channels section to enable insertion and removal of the glazing panel into and out of the glazing opening while said channel sections remain within the retainer frame (see also column 4 lines 65-68 to column 5 lines 1-7; column 5 lines 60-68 further discloses that various components of the window may be disassembled in the event that repair or maintenance is require by simply reversing the steps; the components may be sold in either partially assembled form or in a kit application form; ....it is apparent that the window panes may be inserted into the respective recesses of the gasket....."Likewise, the gasket itself is inserted into an appropriate recess in a window frame by compression of the gasket and sliding into the recess...." which also means the panes have to be inserted into the gasket next).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5131194) in view of Bargados et al and Cross et al (2258973) as applied to claim 1 above and further in view of Gasteuger (3720026).

Anderson as modified shows all the claimed limitations except for the receiving channel section is at top of the glazing opening, and the bottom edge of the glazing panel rests on a bottom of the channel opposite the receiving channel.

Gasteiger discloses receiving channel section (figure 2, channel with spring 40) being at top of the frame opening, and the bottom edge of the panel rests on a bottom of the opposite channel section.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's modified structures to show the receiving channel section is at

top of the glazing opening, and the bottom edge of the glazing panel rests on a bottom of the opposite channel section because it would allow for the easy and secured mounting of the panel in the channels as taught by Gasteiger.

Response to Arguments

1. Applicant's arguments with respect to claims 1-3, 7-8, 10-12, 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window covering designs.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Examiner, Art Unit 3633

Phi Dieu Tran A

10/07/087/5/08